

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

ANTONIO MARTINEZ, )  
                        )  
Plaintiff,           )  
                        )  
v.                     ) CIVIL ACTION NO. 3:06CV257-MHT  
                        )  
NURSE STEWART, *et al.*, )  
                        )  
Defendants.          )

**ORDER**

On 24 May 2006, the Magistrate Judge filed a Recommendation (Doc. #13) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED as follows:

1. That the Recommendation be and is hereby adopted;
2. That Plaintiff's complaint against Defendant Lacy is DISMISSED with prejudice;
3. That Defendant Lacy is hereby DISMISSED as a party to the complaint; and
4. That this case, with respect to the remaining defendant, is REFERRED back to the Magistrate Judge for additional proceedings.

Done this 16th day of June, 2006.

\_\_\_\_\_  
/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE